

August 20, 2002

Charter School Holders, Administrators & Staff:

The Arizona legislature, in special session, enacted new fingerprinting requirements for charter schools. The Governor signed into law Senate Bill 1008 which requires all charter school persons who directly engage in instructional work as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal to obtain a class one or class two Fingerprint Clearance Card. It also requires charter school applicants that have direct contact with students to obtain a valid class one or class two Fingerprint Clearance Card. Each person that is required to obtain the Fingerprint Clearance Card must submit an application to the Department of Public Safety (DPS) by **October 1, 2002**¹. All other charter school persons must be fingerprinted pursuant to the laws associated with fingerprinting of non-certificated personnel (A.R.S. 15-512). You will need to determine which fingerprinting process must be conducted, the Fingerprint Clearance Card or the criminal history check, depending on the position held by the person.

If you would like to obtain a copy of the new statute, you can find it on the Arizona Legislative web site at www.azleg.state.az.us/legtext/45leg/5s/bills/sb1008s.pdf.

To help ensure that each charter school understands how to implement these new provisions of the law, we have listed specific bulleted information on obtaining, submitting, and verifying information on both fingerprinting processes. In addition, we have provided you with a frequently asked questions page. Also, for additional technical assistance with this process please look for upcoming information on the Mega Conference and Principals Academy hosted by the Arizona Department of Education from October 28-30 at the Wild Horse Pass Resort off Maricopa Road and I-10. Specific information will be presented on fingerprinting issues, background investigations, and web technology for fingerprinting.

Please be aware that each charter school has a statutory requirement with timelines to make sure that all persons have complied with the necessary fingerprinting process. As sponsors, both the Arizona State Board for Charter Schools and the State Board of Education take this issue very seriously and will vigorously monitor each school's compliance.

Sincerely,

Kristen Jordison
Executive Director

¹ If the person begins employment, whether voluntary or paid, between October 1, 2002 and May 1, 2003 the person must apply for the Fingerprint Clearance Card within 7 days and the person's application must not have been denied. After May 1, 2003 the school may not hire the person until a Fingerprint Clearance Card has been issued.

Fingerprinting Processes at a Glance

The following information outlines the two processes as they pertain to fingerprinting only. It is imperative that you follow all applicable provisions of both SB 1008 and A.R.S. 15-512. Please refer to these specific statutes for all the requirements.

	Fingerprint Clearance Card (A.R.S. 15-183.C.4 & 41-1758)	Fingerprint Criminal History Check² (A.R.S. 15-183.C.4 & 15-512)
Who does this apply to:	All charter school personnel who directly engage in instructional work as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal (whether paid or unpaid).	All other charter school personnel (whether paid or unpaid).
How do I apply?	<p>Each person needing a card must obtain:</p> <ol style="list-style-type: none"> 1. an application for a Fingerprint Clearance Card, 2. the Supplement to the Fingerprint Clearance Card Application Form, 3. the fingerprint card. <p>The person then needs to contact a law enforcement agency or consult a telephone directory for a private service provider to get fingerprinted.</p> <p>Submit the Application, money order, cashier's check or business check for \$44, and the fingerprint card to DPS prior to deadlines established in statute (i.e., October 1, 2002 or 7 days following the hire date of the employee, if after October 1, 2002 and before May 1, 2003).</p> <p>Allow at least 10-12 weeks for processing. The clearance card or the denial letter will be delivered to the individual person, not to the school. You must follow-up with your employees to obtain a copy of the clearance card or the denial letter.</p>	<p>The school must obtain an ORI number, fingerprint cards, and inventory sheets from DPS. ORI numbers are assigned to a school. If your school does not have an ORI number you must call Zee @ (602) 223-2223 to obtain information on training.</p> <p>Each person must:</p> <ol style="list-style-type: none"> 1. contact a law enforcement agency or consult a telephone directory for a private service provider, 2. get fingerprinted on a fingerprint card that contains the school's ORI number specifically, 3. Return the card to the school (with \$24 processing fee, if required). <p>The school will submit a money order, cashier's check or business check for \$24, the fingerprint card with the school's ORI number, and an inventory sheet to DPS.</p> <p>Allow at least 10-12 weeks for processing. The results of the criminal history check (both DPS and FBI) will be mailed directly to the school. You must follow-up to ensure that the check is completed and to obtain a copy of the results.</p>

² A.R.S. 15-512 also contains background investigation requirements which are not outlined herein but must be followed by charter schools.

Frequently Asked Questions

Questions a person who must apply for a Fingerprint Clearance Card may ask?

- Q.** Where can I get an application for the Fingerprint Clearance Card?
- A.** Applications for the Fingerprint Clearance Card can be mailed directly to you from DPS by calling (602) 223-2279. Or you may pick up the application packet at any of the following locations:

DPS
2320 N. 20th Ave
(one block west of 19th Ave;
½ block north of
Encanto Blvd)
Phoenix, AZ

Charter School Board
4105 N. 20th Street, Suite 280
(1/2 block north of Indian
School on 20th Street)
Phoenix, AZ

Department of Education
Certification Unit 1st Floor or
Charter Schools office
(2nd Floor)
1535 W. Jefferson Street
Phoenix, AZ

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- Q.** If I have already submitted a fingerprint card to the Department of Public Safety for a fingerprint criminal history check under A.R.S. 15-512, do I need to re-submit another fingerprint card with the Fingerprint Clearance Card Application?
- A.** Yes. The fingerprint card submitted for a criminal history check under A.R.S. 15-512 would have been submitted to the FBI by DPS and then destroyed.

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- Q.** Once I have submitted a complete application to DPS, how long will it take to receive the Fingerprint Clearance Card?
- A.** Allow at least 10-12 weeks for processing. However, DPS is working on a new process with the FBI that will reduce the federal processing time by at least four weeks.

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- Q.** How will I know if I was approved or not approved?
- A.** If approved, the clearance card will be sent to you via U.S. Mail; if not approved, you will receive a letter via U.S. Mail.

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- Q.** What do I do if I receive a letter that states that I have been denied a clearance card?
- A.** First, notify your school immediately. Second, if the offense(s) for which you are denied are appealable to the Arizona Board of Fingerprinting for a Good Cause Exception, instructions on how to contact that Board will be included in your letter.

Q. Can DPS re-issue a clearance card if one has been lost?

A. Yes, for a fee of \$5.00 a clearance card can be replaced if it has not expired. Please contact DPS at (602) 223-2279.

Q. Who pays for the Fingerprint Clearance Card process?

A. It is ultimately the responsibility of the person applying for the Fingerprint Clearance Card to obtain the card. The school may choose to pay the processing fees, but is not required to do so.

Questions a charter school might ask?

Q. What does SB 1008 mean to me as a charter school operator?

A. We encourage you to read all of the provisions of both the new SB 1008 and A.R.S. 15-512 for complete details, but here are some of the areas you may be most concerned about:

- Requires you to make sure all applicable persons have applied for, and not been denied, a Fingerprint Clearance Card by October 1, 2002. If the person begins employment, whether paid or unpaid, between October 1, 2002 and May 1, 2003 the person must apply for the Fingerprint Clearance Card within 7 days of their date of hire. A person may continue employment as long as they have made application and have not been denied. After May 1, 2003 the school may not hire the person until a Fingerprint Clearance Card has been issued.
 - Prohibits you from employing a teacher whose certificate has been revoked for a violation of abuse of a teacher or school employee (A.R.S. 15-507), for a conviction of unprofessional conduct (A.R.S. 15-550), or for any offense that placed a pupil in danger.
 - Prohibits you from employing (whether paid or unpaid) a person that will be engaged in instructional work directly as a classroom, laboratory, or other teacher or indirectly as a supervisory teacher, speech therapist or principal that is denied a class one or class two Fingerprint Clearance Card.
 - Requires all other charter school persons to be fingerprinted pursuant to laws associated with fingerprinting of non-certificated personnel (A.R.S. 15-512).
 - Prior to employing, you are required to make documented, good faith efforts to contact previous employers of the person to obtain information and recommendations that may be relevant to the person's fitness for employment as prescribed in A.R.S. 15-512.F.
 - Requires you to notify the Department of Public Safety if the charter school receives credible evidence that a person who possesses a valid class one or class two Fingerprint Clearance Card is arrested for or is charged with an offense listed in A.R.S. 41-1758.03, subsection B or F.
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- Q.** As a charter school, how may I confirm that each person from my school, that is required to submit a Fingerprint Clearance Card, has submitted the appropriate documentation to DPS?
- A.** Each charter school should obtain the yellow copy of the completed application form from each person required to submit. Each application form has a stamped application number in the upper right hand corner. With this number, you may call DPS at (602) 223-2279 for verification. If you would like to inquire about more than 5 applications please fax, on school letterhead, each applicant's first name, last name, date of birth and social security number to (602) 223-2947 – include your name and fax number for a reply.
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- Q.** How do I know that the Fingerprint Clearance Card is valid?
- A.** Because each Fingerprint Clearance Card is issued only once every three years you will want to confirm that the card is still in good standing. You may obtain this information one of two ways. First, you may utilize the Department of Education's on-line Investigative Unit Website, accessible through the common login. The website provides the following information:
- Allows viewing of the most current certification information.
 - Allows viewing of Fingerprint Clearance Card information.
 - Provides information on ongoing investigations of immoral/unprofessional conduct.
 - Provides information on any post disciplinary actions taken by the State Board.
 - Allows the user to make a report of immoral/unprofessional conduct to the State Board.
- Because some of the information contained on the website is confidential, each school must be assigned a username and password. A charter school can obtain a username and password by contacting the Investigative Unit at (602) 542-2972. The second way to obtain information on a card is to call DPS at (602) 223-2279.
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- Q.** What do I do if a person from my school who is required to obtain a Fingerprint Clearance Card from my school is denied a clearance card?
- A.** Between now and May 1, 2003 a charter school may employ a person that has been denied a Fingerprint Clearance Card if the person has submitted a timely application as provided in law and is awaiting the outcome of a good cause exception determination by the Board of Fingerprinting.

If the person is denied without opportunity to appeal to the Board of Fingerprinting, that person must be immediately removed from the position in which they are engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal.

After May 1, 2003 the law precludes the charter school from employing a person that has been denied a Fingerprint Clearance Card.

Q. If the school chooses to pay for the processing of the Fingerprint Clearance Card, does the card belong to the school?

A. No, the card is the property of the person. The school should make a copy of both sides of the card for the employee's personnel file and return the card to the employee.

Q. Where can I get a copy of all the state statutes?

A. All Arizona Revised Statutes and pending legislation are maintained on-line at www.azleg.state.az.us. Look for education law under Title 15 (<http://www.azleg.state.az.us/ars/15/title15.htm>).
